

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TINA ROSS o/b/o SAMANTHA SPRAKER,

Plaintiff,

Case No. 2:15-cv-13133

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL SECURITY,

MAGISTRATE ANTHONY P. PATTI

Defendant.

/

**ORDER ADOPTING REPORT AND RECOMMENDATION [18],
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [13],
GRANTING DEFENDANT'S SECOND MOTION FOR SUMMARY JUDGMENT [16],
AND FINDING DEFENDANT'S FIRST MOTION FOR SUMMARY JUDGMENT [15] MOOT**

The Commissioner of the Social Security Administration ("SSA") denied Samantha Spraker's¹ application for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). The SSA Appeals Council declined to review the ruling, and Spraker appealed. The Court referred the matter to the magistrate judge and the parties filed cross-motions for summary judgment. The magistrate judge issued a Report and Recommendation ("Report") suggesting the Court deny Spraker's motion and grant the Commissioner's motion.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Because neither party filed timely objections, de novo review of the Report's conclusions is not required. Having examined the record, the Court finds that the magistrate judge's conclusions are factually based and legally sound.

¹ Tina Ross is Spraker's mother and legal guardian.

Accordingly, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation [18] is **ADOPTED**, Spraker's Motion for Summary Judgment [13] is **DENIED**, the Commissioner's Second Motion for Summary Judgment [16] is **GRANTED**, the Commissioner's First Motion for Summary Judgment [15] is **MOOT**, and the case is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 21, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 21, 2017, by electronic and/or ordinary mail.

s/David P. Parker
Case Manager